



A Few Facts About Earmarks in SAFETEA-LU

1. The new federal highway and transit legislation, Safe Accountable, Flexible Transportation Equity Act: A Legacy for Users, or SAFETEA-LU, includes \$286.4 billion over six fiscal years (2004-2009).
2. Over \$24 billion of these funds are for more than 5500 Congressionally designated or “earmarked” projects. Earmarks were included in both the Highway provisions (Title I) and the Transit provisions (Title III) of the bill. The majority of earmarks are road improvement projects, but other means of transportation are included - transit, bicycle and pedestrian and even ferry facilities – as well as visitor facilities and intermodal terminals. Funding is provided for FY 2005 – 2009.
3. NPS has counted 46 earmark projects valued at \$172 million that are either for parks or directly effect parks. The list of NPS directly impacted projects includes the full range of project types described above and is part of this fact sheet.
4. Earmarks are not created equal. So from here on, it gets complicated! There are many different categories of earmarks and numerous ways of obtaining funding, or of not getting funding.
 - a. **Transit Earmarks** are found in Section 3044. NPS has five on its directly impacted list: four in NER, and one in California. Generally, a 20 % match is required, but what the match can be varies.
 - b. **Highway Earmarks** are contained in many sections of the law, but three are of direct interest to the Park Service. “Highway earmarks” are not just roads, but include: transit, bikeways, trails, visitor centers, viewsheds, and ferry terminals.

Unless otherwise noted, the following applies to projects in the categories listed below: 1) funding designated for projects in the bill is contract authority and is available until expended; 2) projects require some form of match, which is generally 20%, except in Alaska, Montana, Nevada, North Dakota, Oregon and South Dakota, where it will be some lesser percent due to the amount of federal land in the state; and 3) NPS will have to work with the state DOT on allocating funds each year, as dollars for these projects are part of the state's federal highway funding ceiling and affect their programming.

Following are the three sections and their special funding rules:

- i. **Section 1934, Transportation Improvements** – Only a portion of the project funding is available each fiscal year, as follows: 10% in 2005; 20% in 2006; 25% in 2007 and 2008; and 20% in 2009. While funds designated for each project must be spent on that project, there is a potential for a “loan-borrow” arrangement with certain other categories of projects in the same state, as long as the loaned authority is returned. This arrangement can enable funds to be accumulated more rapidly or in greater amounts than would be possible under the annual

limits. The details of how this might work are provided in a fact sheet at: <http://www.fhwa.dot.gov/safetealu/factsheets/transimp.htm>

- ii. **Section 1940, Going to the Sun Road** – \$50 million, allocated \$10 million per fiscal year. There is no match required for this project and funds must be used to supplement already planned expenditures rather than to substitute for NPS funds.
- iii. **Sections 1701 and 1702, High Priority Projects** – 20% of the designated amount of funds for these projects is available for each of the years FY 2005-2009. Funding rules vary depending on the number of the project in the bill. Projects numbered 1- 3676 have their own individual funding authority (a.k.a. obligation ceiling), which may be loaned in any year to any other project in Section 1702. Projects with higher numbers are part of one annual funding ceiling per state and compete with each other for the allocated state funds. However, these higher numbered projects are subject to the flexibility permitted under the loan-borrow arrangement described for Section 1934 above. **States can advance funds for these projects until federal funds are available, but it is not clear if NPS can advance construction funds for them.**

Funding exceptions, limitations, match requirements, flexibility to accumulate funds, all pose new challenges to NPS staff. Clearly, state DOTs and certain transit operators are very important in the process. To help translate these requirements and support the new partnerships that are anticipated, WASO is assigning someone to coordinate all NPS earmarks.

For more on SAFETEA and the earmarks, see <http://www.fhwa.dot.gov/safetealu/>

Following is the list of earmarks that directly impact NPS park units.